

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06CV255-1-MU

JACK MOORE,

Petitioner,

v.

HARKLEROAD,

Respondent.

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**ORDER**

**THIS MATTER** comes before the Court upon Petitioner's Motion for Summary Judgment, filed October 17, 2006.

In his motion, Petitioner contends that because the Attorney General has failed to respond in a timely manner to this Court's August 30, 2006, Order, his federal habeas petition should be granted. A review of the record in this case reveals that the Order requiring the Attorney General to respond to Petitioner's federal habeas petition was inadvertently never sent to the Attorney General. Upon discovering this error, this Court issued an Order on October 16, 2006, providing the Attorney General with forty days from that date in which to respond to Petitioner's federal habeas petition. Consequently, the Attorney General has not failed to timely respond to Petitioner's federal habeas petition.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Motion for Summary Judgment is **DENIED**.

Signed: October 20, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

